Meeting of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

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Meeting of Experts on Cooperation and Assistance, with a Particular Focus on Strengthening Cooperation and Assistance under Article X
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Identification of challenges and obstacles to developing international cooperation, assistance and exchange in the biological sciences and technology, including equipment and material, for peaceful purposes to their full potential, and possible ways and means of overcoming these

Institutional Mechanism for International Co-operation and Compliance with Article X

Submitted by the Bolivarian Republic of Venezuela on behalf of the Group of the Non-Aligned Movement and Other States Parties to the BWC

I. Introduction

1. During the Eighth Review Conference the NAM and other States Parties to the BWC proposed a Working Paper BWC/CONF.VIII/WP.23, as well as during the 2017 Meeting of States Parties a Working Paper BWC/MSP/2017/WP.12, regarding Article X of the Convention. In this sense, the NAM and other States Parties to the BWC recalls the position as follows:

2. Ensuring the full, effective and non-discriminatory implementation of Article X of the Convention, has been a top priority for the NAM and Other States Parties to the BWC for a long time. While welcoming the continued co-operation between developing countries, the NAM and Other States Parties to the BWC believe that the developed countries bear special responsibility to promote international cooperation in the framework of Convention for the benefit of developing countries and refrain from imposing and/or maintaining any restrictions and/or limitations that are contrary to the Convention.

3. The rapid pace of scientific and technological developments has created new opportunities for making tangible progress on the full, effective and non-discriminatory

implementation of Article X of the Convention including inter alia developments of special relevance to disease surveillance, diagnosis and mitigation as well as advances in enabling technologies.

4. All State Parties in particular developing countries should benefit from new achievements in biotechnology through the full, effective and non-discriminatory implementation of Article X. There is a need to strengthen cooperation among States Parties in order to bridge the increasing gaps in the fields of biotechnology, genetic engineering, microbiology and other related areas between developed and developing countries.

5. The group emphasizes the importance of overcoming sustained challenges and obstacles to international cooperation, assistance and exchange in the biological sciences and technology. In this regard, one of the main challenges for full, effective and non-discriminatory implementation of Article X is the existence of unjustified restrictions and /or limitations, including politically motivated ones, imposed against States Parties inconsistent with the provisions of the Convention.

6. There is an urgent need for the removal of any such restrictions and/ or limitations. States Parties should work together to develop procedures including in particular adopting an Action Plan for full, effective, and non-discriminatory implementation of Article X which include procedures for the settlement of disputes arising from concerns about the implementation of Article X.

7. The Group underlines the importance of capacity-building through international cooperation in developing capabilities for detecting, reporting, and responding to the outbreaks of infectious disease or biological weapons attacks, including in the areas of emergency preparedness, response, management, and mitigation. In this regard, NAM and Other States Parties to the BWC recall their proposal for a mechanism on Article X implementation as outlined in their Working Paper submitted to the Seventh Review Conference.

II. Article X Action Plan

8. The NAM Working Paper identified inter-alia the following specific tasks:

(a) Identify and address the needs in terms of equipment, materials and scientific and technological information regarding the use of bacteriological agents and toxin for peaceful purposes;

(b) Identify and overcome the obstacles hampering the full, effective and non-discriminatory implementation of Article X of the Convention, including by addressing the denial cases of States Parties;

(c) Mobilize the necessary resources, including financial resources, to facilitate in line with the obligations under Article X of the Convention, the widest possible exchange of equipment, material and scientific and technological information regarding the use of biological and toxin for peaceful purposes, in particular from developed to developing States Parties;

(d) Facilitate the development of human resources in developing States Parties in the implementation of the Convention, taking into account the special situation faced by them;

(e) Coordinate cooperation with other relevant international and regional organizations for financial and technological support of activities for the use of biological agents and toxin for peaceful purposes.

9. Taking into account the humanitarian requirements related to the health and security of mankind, renewed commitment, constructive and genuine cooperation between the South and the North are required in order to meet the continuing challenges of developing countries in health related issues.

III. Article X Compliance Mechanism

10. NAM and Other States Parties to the BWC reiterate their firm position on the need for an effective mechanism to ensure the full, effective and non-discriminatory implementation of the Article X. It is imperative that the tasks identified above, with the aim of reaching effective actions, would enable States Parties to agree on an effective institutional mechanism which would facilitate in full, effective and non- discriminatory implementation of Article X obligations.

11. In the context of the mechanism, the Group reaffirms the urgent need of an undertaking by all State Parties including inter alia:

(a) To never under any circumstances impose or maintain unilateral, bilateral or collective restrictions and/or limitations on trade of drugs, medicines, vaccines, diagnostics, biological agents, equipment and /or materials for peaceful purposes in particular for treatment of patients in developing countries.

(b) To establish a procedure to settle disputes if a State Party is restricted and/or denied by another State Party or a group of States Parties on drugs, medicines, vaccines, diagnostics and related equipment and materials for peaceful purposes as inconsistent within the Article X of the Convention, including by considering establishment of a standing body.

(c) To strengthen the operationalization of cooperation database which was established by the 7th Review Conference to ensure that specific, timely and concrete offers of cooperation under Article X are provided by States Parties in the database and to consider the ways to improve reporting on this issue, taking into account the current lack of effectiveness of the referred database.

(d) To provide necessary cooperation and assistance in the form of finances, equipment, reagents and training to developing countries to strengthen capabilities for detecting and responding to infectious diseases.

(e) To collect and disseminate information on S&T developments, including new research in areas relevant to the Convention and exchanging information about databases and networks relevant to the Convention.

(f) To ensure access to such databases and networks and training of personnel without any unjustified limitation are of utmost importance to the group.

IV. Institutional Mechanism for International Co-operation and Compliance with Article X

12. Nothing in the Convention shall prejudice the rights of States Parties to, individually or collectively, conduct research with, develop, produce, acquire, retain, transfer and use microbial and other biological agents and toxins for peaceful purposes. Each State Party shall:

(a) Not establish, maintain or take either individually or collectively any discriminatory measures, including those in any international agreements contrary to the obligations undertaken in the Convention, which would hamper the economic and

technological development of States Parties to the Convention or international co-operation in the field of peaceful bacteriological (biological) activities in accordance with the provisions of the Convention, including research in biology, microbiology, biotechnology and genetic engineering, and their industrial, agricultural, medical and pharmaceutical applications; and other related areas for peaceful purposes;

(b) Undertake to review periodically, and amend or adopt as necessary, national regulations governing international exchanges and transfers of microbial and other biological agents and toxins, and equipment, materials and scientific and technological information for the use of such agents and toxins in order to ensure their consistency with the objectives and relevant provisions of the Convention.

13. The States Members of the Non-Aligned movement that are States Parties to the BWC and other States Parties, strongly believe that due to the high importance of Article X as one of the main pillars of the BWC, deliberations on the status of Article X should regularly be on the agenda of intersessional meetings, and meeting of the States Parties. They emphasize that a State party to the Convention should have the right to seek to redress and settle disputes with regard to the implementation of Article X through institutionalized measures if it is denied receiving equipment and materials for peaceful application of biology and bio-technology by another State party.

V. The Co-operation Committee

14. The Co-operation Committee (hereinafter referred to as "The Committee") established by the Review Conference of States Parties, shall be a forum for consultation aimed at promoting the effective, full and non-discriminatory implementation of Article X provisions of the Convention among the States Parties. To this end, the Committee shall consult on, monitor and review activities of international cooperation and assistance and the fullest possible exchanges of equipment, materials and scientific and technological information for the use of microbial and other biological agents, and toxins for peaceful purposes.

15. The Committee shall also work on the operationalization of offers and supplies proposed and/or requested by States Parties to serve as a channel to monitor this activity, taking into account the States Parties concerns over the mismatch of the proposed offers and requests, in particular for developing countries States Parties to the BWC.

16. The Committee could serve as institutional monitoring mechanism for Article X full, effective and non-discriminatory implementation. It could serve as forum for furtherance of confidence building and trust among States Parties. It would facilitate the conclusion of bilateral, regional and multilateral agreements, providing on a mutually advantageous, equal and non-discriminatory basis, the vehicle for coordination of national and regional programs that would promote the regular peaceful exchanges through transparency between developed and developing States Parties.

17. NAM underlines the importance of dialogue and consultation aimed at full implementation of Article X. There is need for evolving in the Committee mutually agreed procedures for addressing concerns related to risks associated with prohibited activities under the convention, in which, regulatory mechanisms could be agreed and undertaken by harmonizing both promotional and regulatory aspects for full, effective and non-discriminatory implementation of Article X which are vital to sustaining a successful Convention. In this regard, NAM stresses the need for establishing an effective mechanism among States Parties to address concerns and resolve disputes that may arise as to the full implementation of Article X on the basis of procedures to be agreed by States Parties at the Review Conference.